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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,115	03/02/2004	Jan Weber	BSCI-010/00US	2884
22903 75	90 12/20/2005		EXAM	INER
COOLEY GO	DWARD LLP	ZACHARIA,	ZACHARIA, RAMSEY E	
ATTN: PATEN	T GROUP			
11951 FREEDOM DRIVE, SUITE 1700			ART UNIT	PAPER NUMBER
ONE FREEDOM SQUARE- RESTON TOWN CENTER			1773	
RESTON, VA	20190-5061			

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. Applicant(s) WEBER, JAN Examiner Art Unit Ramsey Zacharia 1773 AT Unit AT Unit Ramsey Zacharia 1773 AT Unit								
Examiner Ramsey Zecharia 1773 1773 1773 1774 1775		Application No.	Applicant(s)					
Ramsey Zacharia - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _f MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. SHE TISK (1) MONTHS from the maining date of this communication. 19 NO period for reply is specified above, the maintains statutory period will apply and will eapper St. (8) MONTHS from the maining date of the communication. 19 NO period for reply is specified above, the maining date of the communication. 19 NO period for reply is specified above, the maining date of the communication. 19 NO period for reply is specified above, the maining date of the communication. 19 Period for reply is specified above, the maining date of the communication. 20 Period for reply is specified above, the maining date of the communication. 21 Period for reply is specified above, the maining date of the communication. 22 Period for reply is specified above, the maining date of the communication. 23 Period for reply is specified above, the maining date of the communication. 24 Period for reply is specified above, the maining date of the communication. 25 Period for reply is specified above, the maining date of the communication. 26 Period for reply is specified above, the maining date of the communication. 27 Period for reply is specified above, the maining date of the communication. 28 Period for reply is specified above, the maining date of the communication. 29 Period for reply is specified above, the maining date of the communication. 20 Period for reply is specified above, the maining date of the communication. 20 Period for reply is specified above, the priod for reply is specified above. 20 Period for reply is specified above, the priod for reply documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 21 Period for reply is specified above. 22 Period for reply		10/790,115	WEBER, JAN					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions or them may be available under the provision of 3 CFR 1.13(a), in no event, however, may a reply be limely filed after SIX (b) MONTHS from the mailing date of this communication. Fallows the provision that or analog date of this communication. Fallows the power between them adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on								
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.65(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * ○) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1) Notice of References Cited (PTO-892) 5) Notice of Informal Patent Application (PTO-152)	Status							
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)								
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DETAILED ACTION

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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, drawn to a method, classified in class 427, subclass 457.
 - II. Claims 9-14, drawn to an apparatus, classified in class 359, subclass 896.
 - III. Claims 15-19, drawn to a method, classified in class 457, subclass 2.1.
 - IV. Claims 20 and 21, drawn to an article, classified in class 428, subclass 411.1.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another materially different process such as a process for dispensing a droplet on the surface of a non-medical device.
- 3. Inventions I and III are distinct method combinations. Each group relies on different elements for patentability not required by the other. Invention I requires a step of modifying at least one of the direction, velocity, and acceleration of a droplet using an optical field whereas Invention III does not. Invention III requires modifying the composition of a droplet from a first location to a second location whereas Invention II does not.
- 4. Inventions I and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be

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used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by a materially different process such as applying the coating by dipping or extrusion. Alternatively, the process as claimed can be used to make a materially different product, such as a medical device having a non-polymeric coating and/or a coating including a monomer component.

- 5. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and have different functions as the apparatus of Invention II is designed to modify the direction, velocity or acceleration of a droplet while the method of Invention III comprises modifying the composition of the droplet.
- 6. Inventions II and IV are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product as claimed can be made by a materially different apparatus such as an apparatus that disposes a coating by dipping or extrusion. Alternatively, the apparatus as claimed can be used to make a materially different product, such as a medical device having a non-polymeric coating and/or a coating including a monomer component.

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7. Inventions III and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by a materially different process such as applying the coating by dipping or extrusion. Alternatively, the process as claimed can be used to make a materially different product, such as a medical device having a non-polymeric coating and/or a coating including a monomer component.

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- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Zacharia Primary Examiner Page 5

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